

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6954 of 2003

Between:

A. Sateesh Kumar, S/o A.E.V.Ramana, Q.No.BH-47, I.M.B,
Colony, K.T.P.S.Paloncha, Khammam District

.... PETITIONER

AND

1. A.P.GENCO, Rep. By its Chairman-cum-
Managing Director, Vidyuth Soudha, Somajiguda,Hyderabad.
2. The Chief Engineer, O & M, A.P.Genco, K.T.P.S., V State,
Paloncha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, or direction preferably a writ in the nature of Writ of mandamus declaring the action of the respondents in not considering the case as per service certificate produced by the petitioner and issued by only M/s Kusma Electrical & Engineering Works, Paloncha, is illegal, arbitrary and consequently direct the respondents to consider the case of the petitioner for the post of Junior Plant Attendant.

Counsel for the Petitioner:MR.P.Vinayaka Swamy,

Counsel for the Respondent Nos.1 and 2: S.C. for GENCO

The Court made the following :

ORDER :

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It is stated by the learned Counsel for the petitioner that the petitioner is one of the writ petitioners in W.P.No.3465 of 2001 which was disposed of on 11.4.2002 observing that pursuant to the interim directions dated 18.7.2001 granted in W.P.M.P.No.4436 of 2001 in the said W.P.No.3465 of 2001 and pursuant to the Contempt Case No.1229 of 2004 filed by him for not-implementing the said interim directions, the case of the petitioner was considered and he was selected for the appointment and the same was reported in the said contempt case before this Court and therefore the said writ petition was also disposed of in view of the petitioner's subsequent selection.

Though the W.P.No.3465 of 2001 was disposed on 11.4.2002, the petitioner was not given the appointment order. On the other hand, while issuing the appointment order dated 5.11.2002, pursuant to the orders of this Court in Contempt Case No.1527 of 2001 dated 18.11.2002 and in W.P.No.3465 of 2001 dated 11.4.2002 appointing the petitioner temporarily with a direction that he shall produce the documentary evidence of educational qualifications, service certificate etc., he has filed the necessary documents of the secondary school certificate and provisional trade certificate in the trade of electrician and also experience certificate issued by M/s Kusma Electrical and Engineering Works, Polancha for the period

from February,1998 to October, 1998. It is stated that as the petitioner failed to produce the service certificate, he was not permitted to join in the duty and the said appointment order was not implemented. Admittedly, the said appointment order has not been cancelled or rescinded or reviewed. As long as the said appointment order is subsisting, there cannot be any justification on the part of the respondents in not permitting the petitioner to work as per the appointment order.

Learned Counsel appearing for the respondents submits that, as the original experience certificate was not produced, a memo-dated 18.11.2002 was issued to the petitioner for his personal appearance and to explain the reasons for non-production of the original service certificate.

Heard both the learned Counsel.

Learned Counsel for the petitioner submits that it is a matter of record about the engagement of the petitioner by M/s Kusma Engineering Works, Polancha for the said period and it is for the respondents to verify the genuineness of the said experience certificate produced by the petitioner and if it is found to be correct, then there cannot be any objection for the respondents to appoint the petitioner as per the appointment order.

Having regard to the facts and circumstances of the case, the respondents are directed to verify the genuineness of the petitioner's experience certificate issued by M/s Kusma Electrical & Engineering Works, Paloncha for the period from February, 1998 to October, 1998 and if the said experience certificate is found to be genuine, the appointment order dated 5.11.2002 appointing the petitioner as Trainee JPA (Electrician) issued by the second respondent may be implemented.

Accordingly, the Writ Petition is disposed of. No costs.

V. ESWARAI AH, J

Dated:5th October, 2004.

ccm/shr

To:

1. The Chairman-cum-Managing Director, A.P.GENCO, Vidyuth Soudha,
Somajiguda,Hyderabad.
2. The Chief Engineer, O & M, A.P.GENCO, K.T.P.S., V State,
Paloncha, Khammam District.
3. 2 CD Copies.